

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER RODRIGUEZ,

Plaintiff,

-against-

CITY OF NEW YORK et al.,

Defendants.

20-CV-09840 (JHR) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed on the record during today's telephonic status conference, it is hereby ORDERED that:

1. Defendants must promptly send copies of the following materials to the pro se plaintiff at the Auburn Correctional Facility:
 - a. A complete set of defendants' summary judgment moving papers;
 - b. A complete set of the discovery materials previously served by defendants in this action, including their written discovery objections and responses, and the written documents and video footage they produced;
 - c. Plaintiff's complete deposition transcript.

Additionally, defendants must make reasonable efforts to arrange with Auburn Correctional Facility for plaintiff to view the videos and must promptly send plaintiff any corrected video footage (see below) if and when it becomes available.

2. No later than **April 22, 2025**, defendants must submit a status letter to the Court confirming that they have complied with ¶ 1 of this Order and updating the Court as to why there is a gap in the Genetec surveillance footage (video DEF008091) previously provided by the New York City Department of Corrections.

3. Plaintiff's deadline for responding to defendants' motion for summary judgment is **June 9, 2025**, regardless of whether he is able to obtain pro bono legal assistance between now and then.

Given the amount of time that has passed since defendants filed their summary judgment motion, and the fact that plaintiff has been moved several times since then, which may have made it difficult for him to retain his case-related documents, the Court encloses a copy of plaintiff's last letter to the Court, dated November 10, 2024 and filed on February 3, 2025, as well as a transcript request form.

Dated: New York, New York
April 8, 2025

SO ORDERED.



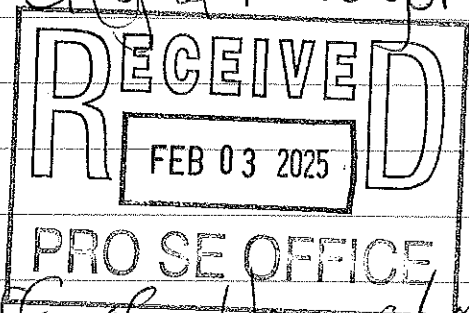
BARBARA MOSES
United States Magistrate Judge

11/10/24

United States District Court
Southern District of New York
HONORABLE Jennifer H. Rearden
United States District Judge
US Court House - 500 Pearl Street
New York, NY 10007

RE: Peter Rodriguez v City of New York, et al.
20cv9840

Your Honor,



I am the PLAINTIFF of the above referenced matter. I am writing this letter to request a teleconference with your honor and the DEFENDANTS in order to create a Deadline for the PLAINTIFF to respond to DEFENDANTS Motion to Dismiss.

By way of Background the PLAINTIFF Brought this Federal Civil COMPLAINT to the Southern District after the DEFENDANTS VIOLATED PLAINTIFFS Constitutional rights given to him AS A U.S. CITIZEN.
IN E.C.F. NO. 151 the PLAINTIFF

requested legal assistance because PLAINTIFF WAS incarcerated and WAS subjected to UNCONSTITUTIONAL PRISON CONDITIONS which HINDERED PLAINTIFFS ABILITY to prosecute this matter. IN response your Honor ordered PLAINTIFF to consult the legal CLINIC NYLAG for assistance in litigating this matter. PLAINTIFF abided by your Honor order and was in contact with a Attorney who works for NYLAG. BY the NAME OF JAMES D. TAYLOR, esq. Despite MULTIPLE attempts from NYLAG to contact AND assist PLAINTIFF UNCONSTITUTIONAL PRISON CONDITIONS HINDERED NYLAG from assisting PLAINTIFF. PLAINTIFF HAS written MULTIPLE letters to the Court to inform your honor of these situations. The PLAINTIFF HAS yet to hear BACK from the court.

PLAINTIFF is once again requesting the Court to grant pro Bono Counsel to the PLAINTIFF who filed a request to proceed in forma pauper

(IFP) which this Court granted. The in Forma Pauperis statute that the Courts "MAY request an attorney to represent any person UNABLE to Afford Counsel". The Court must then consider whether the Litigant's claim "seems Likely to be of substance" - "A requirement that must be taken seriously." (Hodge v. Police Officers, 802 F.2d 58, 60 (2d Cir. 1986)).

If these threshold requirements are met, the Court must consider such factors as:

The indigent's ability to investigate the crucial facts, the complexity of the legal issue, AND any special reason in that case why appointment of counsel would be more likely to lead to a just determination.

Plaintiff Attached to this letter a photo evidence of the assault and constitutional violation of the Plaintiff by the Defendant which is very disturbing AND if a jury were to see the video of the incident there is no doubt that the jury will award

PLAINTIFF ALL RELIEF REQUESTED.

IT IS OBVIOUS THIS MATTER IS VERY COMPLEX WHICH IS WHY IF PLAINTIFF RECEIVES REPRESENTATION IT WOULD LEAD TO A QUICKER AND MORE JUST RESULT. THIS MATTER HAS BEEN IN THIS COURT FOR ALMOST 5 YEARS AND IT WOULD BENEFIT THE COURT'S DOCKET TO ASSIST PLAINTIFF WITH HIS REQUESTS.

FOR THE FOREGOING REASONS, THE PLAINTIFF REQUESTS A TELECONFERENCE WITH YOUR HONOR AND THE DEFENDANT AND GRANT PLAINTIFF'S REQUEST FOR THE APPOINTMENT OF COUNSEL. LASTLY PLAINTIFF REQUESTS COURT TO PROVIDE PLAINTIFF WITH A UPDATED DOCKET SHEET AND A UNDERSTANDING ON WHY YOUR HONOR TERMINATED ECF NO. 153 ON NOVEMBER 4, 2024.

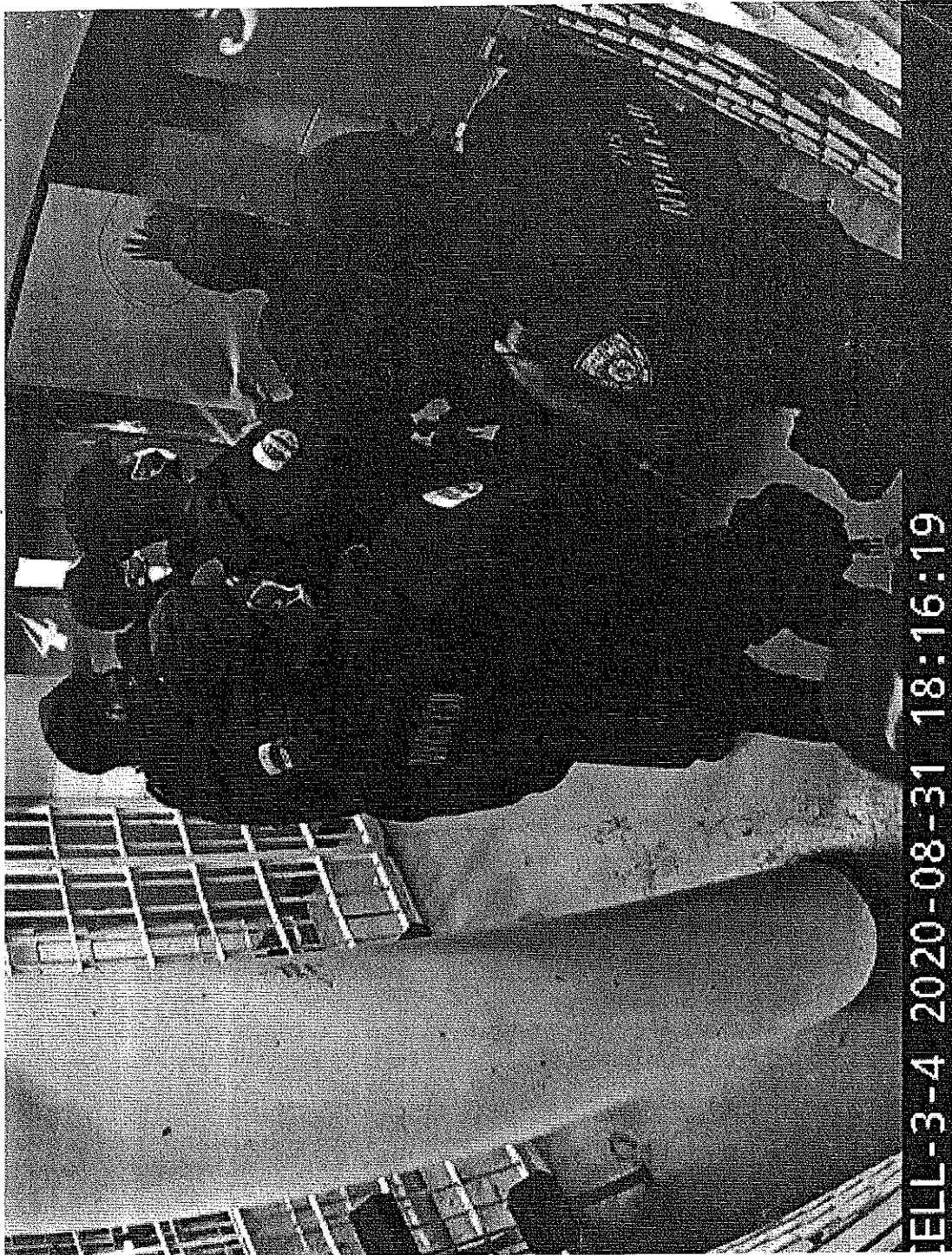
THE PLAINTIFF APPRECIATES THE COURT IN ADVANCE FOR CONSIDERATION IN THIS MATTER.

Respectfully Submitted,

~~P.R.~~ Peter Rodriguez 232287
~~12/29/24~~ PLAINTIFF pro se
WENDE C.F.
WENDE Road
P.O. BOX 1187
ALDEN, NY 14004

I, Peter Rodriguez, D.O.B. 11/06/1990,
swears under oath with the
penalty of perjury that this
letter and everything stated in
it, is fact and truth to the best
of my knowledge.

P.R.
12/29/24

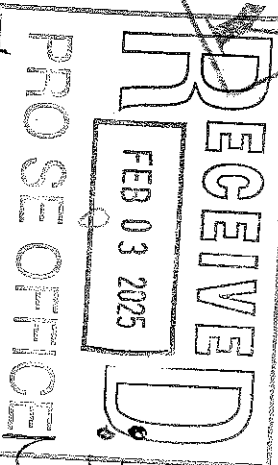
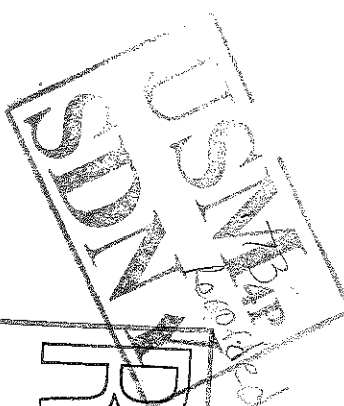


WENDE CORRECTIONAL FACILITY

Wende Rd., P.O. Box 1187
Alden, New York 14004-1187

NAME: Peter Rodriguez DIN: 22B2287

D-20-18



LEGAL MAIL

100735533



WENDE

quadrant

FIRST-CLASS MAIL

01/30/2025

US POSTAGE \$000.69

CORRECTIONAL FACILITY



ZIP 14004

United States District Court
Southern District of New York
US Courthouse - 500 Pearl St
Pro Se Intake RM 200
New York, NY 10007

Request for the production of a transcript from an electronic recording

Submit only one date per completed request form to:

etranscripts@nysd.uscourts.gov

Transcripts from an electronic record are generated by a Court Approved Transcriber, NOT the Southern District Court Reporters. The transcript will be e-mailed to your office and you will be invoiced directly by the transcriber. Submission of this form constitutes an agreement to pay for the transcription services described herein. This form should not be submitted for the purpose of obtaining a price estimate.

NOTE: CJA requests require prior approval by submitting an Auth-24 document in the CJA eVoucher System. If granted, the attorney then submits the etranscripts order form (indicate CJA Request). Upon notification from the transcriber, the attorney will create a CJA 24 Voucher in the eVoucher system.

Today's Date: _____

Case Name			
CASE NUMBER	DATE OF THE HEARING	JUDGE PRESIDING OVER HEARING	

INDICATE SERVICE:

(prices listed are per page)

Daily \$7.30	3 Day \$6.55	7 Day \$5.85 (Expedited)	14 Day \$5.10	30 Day \$4.40
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Your Name	
Firm Name	
Address	
City, State	Zip Code
Telephone Number	
E-mail Address	